

**STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

PAUL F. DEAL, D.V.M.
LICENSE NO. 1656

DOCKET NO. 21-28

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 16th day of June 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Paul F. Deal, D.V.M. ("Dr. Deal"), License No. 1656. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in October of 2020 in Docket No. 21-28, alleging that Dr. Deal violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 set forth herein.

On March 24, 2022, Dr. Deal, having been advised of his due process rights under Md. Code Ann., Agric. § 2-311, agreed to resolve this case on a pre-charge basis under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Deal agrees to waive his right to formal charges and hearing in Docket No. 21-28 and further agrees to the terms and conditions of this Consent Agreement.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. § 2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent

offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Paul F. Deal, D.V.M., License Number 1656, by entering into and signing this Consent Agreement, having had the opportunity to seek the advice of counsel, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Deal did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Deal is a veterinarian licensed to practice in Maryland, where he has been licensed since 1972. Dr. Deal was, at the time of the events described herein, the owner and responsible veterinarian at Countryside Animal Hospital ("Hospital") (License Number 11-001), located at 50 Weber Road, Oakland, MD 21550.
2. Dr. Deal has an extensive disciplinary history with the Board that includes the following actions: Docket No. 05-26A & B, in which record keeping violations were found, resulting assessment of a civil penalty of \$1,700, and his licensing being suspended and placed on probation; Docket No. 05-29, in which Dr. Deal was found to have committed record keeping violations, assessed a civil penalty of \$500, and placed on probation; Docket No. 05-36 in which standard of care and record keeping violations were found, a civil penalty of \$1000 assessed, and his license suspended and placed on probation; and two cases (Docket No. 08-27 and 13-33) in which Dr. Deal was found to have operated a veterinary hospital without a license.
3. This case involves veterinary care and treatment provided to Charlie, a 3-year-old female domestic shorthair cat owned by Jessica Adkins ("Owner" or "Ms. Adkins") at the Hospital, where Dr. Deal was the treating veterinarian.
4. On October 23, 2020, Ms. Adkins took Charlie to the Hospital for spay surgery. At the time, due to COVID, the Hospital was providing curbside services. When Ms. Adkins dropped Charlie off, she

informed a veterinary technician at the hospital that Charlie was a stray cat that Ms. Adkins wanted to be spayed and vaccinated so that the cat could live outside at the barn.

5. Later the same day, Ms. Adkins returned to the Hospital to pick up Charlie. Initially, the same veterinary technician who was present at drop-off brought Ms. Adkins the wrong cat. The technician later returned with Charlie, who had bandages on her front paws.

6. According to Ms. Adkins, when she questioned why Charlie's front paws were damaged, the technician asked, "Oh, wasn't she supposed to be declawed?" The technician then told Ms. Adkins that two cats had been mixed up because they were similar in appearance, and their names were also similar.

7. Ms. Adkins subsequently called the Hospital and spoke with Dr. Deal, who apologized for what he characterized as staff error in mixing up the two cats. Ms. Adkins also requested a copy of the medical records for Charlie. The Hospital could not provide the records, because the records had been discarded.

8. Ms. Adkins later filed a complaint with the Board, asking that the Board review the Hospital's practices for identifying pets and confirming that the correct procedures would be performed on the right animal. Ms. Adkins was aggrieved by the mistake because the cat underwent an unnecessary procedure and because Charlie, a stray, could no longer be a barn cat without her claws and would need to acclimate to living inside.

9. The Board opened a case and conducted an investigation. After considering the evidence presented, including Dr. Deal's responses, the Board concluded that Dr. Deal provided substandard care to Charlie and did not comply with the Board's record keeping regulations.

10. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Deal failed to satisfy the applicable standard in his care and treatment of Charlie by failing to have protocols in place at the hospital he owns and at which he serves as the responsible veterinarian, sufficient to verify the identity of each animal patient to ensure that the animal receives the correct treatment. In his response to the Board, Dr. Deal alleges that the error was caused solely by an employee who failed to follow protocols. Nonetheless, as the responsible veterinarian

at the Hospital, Dr. Deal had a professional obligation to ensure that the Hospital's protocols for curbside drop-off included sufficient checks and balances to ensure that each patient is identified correctly and receives the appropriate treatment.

11. COMAR 15.14.01.10A (Record Keeping) requires, for a companion pet animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. COMAR 15.14.01.10E requires that a veterinarian keep patient records for three years. Dr. Deal violated this regulation when the records for Charlie's care and treatment were discarded after less than six months by a staff member. In his response to the Board, Dr. Deal has acknowledged that a portion of the medical record for Charlie's treatment was not complete and that the additional records cannot be provided.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's disciplinary history, his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

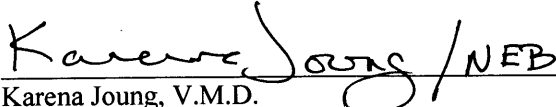
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of June, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment and Practice) with respect to the care and treatment provided to Charlie, a 3-year-old female domestic shorthair cat owned by Jessica Adkins ("Owner" or "Ms. Adkins") at a veterinary hospital owned by Dr. Deal and which Dr. Deal was the responsible veterinarian, Dr. Deal is assessed a civil penalty of \$600, with \$100 stayed;
- (b) For violating COMAR 15.14.01.10E (Record Keeping) by not retaining a medical record for a companion pet animal for three years, Dr. Deal is assessed a civil penalty of \$3,000, with \$500 stayed;

- (c) Dr. Deal shall pay non-stayed portion of the civil penalty (\$3,000) within sixty (60) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture (“MDA”) with the notation “SBVME – 21-28” sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;
- (d) As an additional requirement of this Consent Agreement, Dr. Deal shall complete six hours of continuing education (“CE”), consisting of the “Medical Record Keeping for Veterinarians” course offered by Dr. Lance Roasa and found at drip.vet;
- (e) CE shall be completed and verification of completion provided to the Board within sixty (60) days from the date of this Order. Verification should be sent by email to Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE provider shall include the veterinarian’s name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian’s CE records for relevant years; and
- (f) This is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
16th day of June, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Karena Joung, V.M.D.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Paul F. Deal, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 6 pages, including this Consent. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 6.13.2022

Paul F Deal DVM
Paul F. Deal, D.V.M.